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7

8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF WASHINGTON**

10 RIVER CITY MEDIA, LLC, et al.,

11 Plaintiffs,

12 v.

13 KROMTECH ALLIANCE
14 CORPORATION, et al.,

15 Defendants.
16

Case No. 2:17-cv-00105-SAB

**DECLARATION OF LEEOR NETA
IN SUPPORT OF PLAINTIFFS'
MOTION TO EXPEDITE
MOTION TO EXTEND
AMENDED PLEADINGS
DEADLINE HEARING**

Without Oral Argument
Date: February 15, 2018
Spokane, Washington
17

18
19 I, Leeor Neta, make the following declaration based upon my own personal
20 knowledge:

21 1. I am an attorney representing Plaintiffs in this matter, over the age of
22 18, competent to testify in this action, and make this declaration from personal
23 knowledge.

24 2. On November 28, 2017, and December 4, 2017, respectively,
25 Defendants CXO and IDG served their responses to Plaintiffs' first set of
26 interrogatories and requests for production, stating that they would not produce
27 documents or respond to certain interrogatories necessary for Plaintiffs' First
28 Amended Complaint without a protective order.

1 3. On December 15, 2017, Plaintiffs sent a letter requesting a meet and
2 confer teleconference regarding IDG's and CXO's deficient discovery responses.
3 Attached as **Exhibit A** is a true and correct copy of that correspondence.

4 4. On December 21, 2017, I sent a letter requesting a meet and confer
5 teleconference regarding Defendant Kromtech's deficient discovery responses.
6 Attached as **Exhibit B** is a true and correct copy of that correspondence.

7 5. Over the next few weeks, *which included the Christmas and New Year's*
8 *holidays*, the parties conferred about, negotiated, prepared for, and conducted the
9 deposition of Plaintiff Matthew Ferris.

10 6. Plaintiffs also proceeded with third-party discovery.

11 7. On December 28, 2017, I requested a response from Counsel for IDG
12 and CXO to the December 15 meet and confer letter. Attached as **Exhibit C** is a
13 true and correct copy of the email exchange with counsel.

14 8. On January 4, 2018, Kromtech stated that it would not produce
15 documents without a protective order. Attached as **Exhibit D** is a true and correct
16 copy of the correspondence sent by Matthew Brown.

17 9. On January 31, 2018, Kromtech produced 3,985 pages in response to
18 Plaintiffs' discovery requests. Attached as **Exhibit E** is a true and correct copy of
19 the email sent by counsel confirming the production had been sent.

20 10. On Tuesday, February 6, 2018, at approximately 2:00 PM PST, CXO
21 and IDG produced documents in response to Plaintiffs' requests for production.
22 Attached as **Exhibit F** is a true and correct copy of the electronic correspondence
23 received from counsel.

24 11. On February 7, 2018, at 10:36 a.m. PST, CXO and IDG served
25 responses to Plaintiffs' Interrogatories. Attached as **Exhibit G** is a true and correct
26 copy of email received by counsel.

27 12. Both the production and the interrogatory responses are wholly
28 insufficient, and during the afternoon of February 7, Samantha Everett of Newman

1 Du Wors, counsel for Plaintiffs, informed counsel for CXO and IDG of this and
2 requested an extension of the Motion to Amend pleadings deadlines. That night, I
3 sent a letter to Counsel for CXO and IDG, detailing CXO and IDG's discovery
4 deficiencies and requesting a meet and confer teleconference. Attached as **Exhibit**
5 **H** is a true and correct copy of my letter to Counsel for CXO and IDG.

6 13. Counsel participated in that teleconference during the morning of
7 February 8 and Counsel for Plaintiffs will file a Motion to Compel on February 9.

8 14. Plaintiffs sought a stipulation to extend the Amended Pleadings
9 deadline but counsel for Defendants IDG and CXO refused. Attached as **Exhibit I**
10 is a true correct copy of the email sent by Samantha Everett of Newman Du Wors,
11 counsel for Plaintiffs.

12 15. In a telephone conference on February 8, 2018, I informed Counsel for
13 IDG and CXO that Plaintiffs intended to file a Motion to Expedite Motion to
14 Extend Amended Pleadings Deadline Hearing and a Motion to Extend Amended
15 Pleading Deadline.

16 16. Counsel for IDG and CXO agreed that all meet and confer efforts had
17 been exhausted and Plaintiffs' were free to request relief from the court.

18
19 I declare under penalty of perjury that the foregoing is true and correct.

20
21 Executed the 8th day of February, 2018 at San Francisco, California.

22
23 
24 Leeor Neta

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on February 8, 2018, I electronically filed the foregoing with the
3 Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to
4 the following:

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6 and Steve Ragan**

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22 I declare under penalty of perjury that the foregoing is true and correct.

23
24 s/Rachel Horvitz
25 Rachel Horvitz
26
27
28